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CITY OF SUNNYVALE, CHRIS SEARLE and DARREN PANG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, JOSE CANAS, a minor, by
and through his guardian ad litem, and JESUS
CANAS, by and through his guardian ad litem,

Plaintiffs,

v.

CITY OF SUNNYVALE, CHRIS SEARLE,
DARREN PANG and DOES ONE through
TWENTY FIVE,

Defendants.

Case No. 3:08-cv-05771-TEH

**DEFENDANTS' MOTION IN LIMINE TO
EXCLUDE WITNESSES FROM COURTROOM**

(DEFENDANTS' MOTION IN LIMINE NO. 2)

Pretrial Conference: August 27, 2012
Time: 3:00 p.m.
Location: Courtroom 2, 17th Floor

Trial: September 11, 2012

Hon. Thelton E. Henderson

Defendants Chris Searle, Darren Pang, and the City of Sunnyvale hereby move this Court *in limine* for an Order restricting any and all witnesses from entering the Courtroom until called to testify. This motion is based on the ground that all witnesses will be testifying on similar matters and allowing one to hear the questions and answers of another will undermine the moving party's cross-examination. This Court should exclude these witnesses pursuant to its discretionary authority under FRE 615

Defendants further move the Court to instruct plaintiffs and plaintiffs' counsel to advise all witnesses:

1. Not to mention, refer to, or attempt to convey to the jury in any manner, either directly or indirectly, any of the facts mentioned in this motion, without first obtaining permission of the Court outside the presence and hearing of the jury;

2. Not to make any reference to the fact that this motion has been filed; and

3. To warn and caution each of plaintiffs' witnesses to strictly follow this same instruction.

Any witness hearing the testimony of a previous witness could be swayed and their own testimony could be changed to the prejudice of defendants.

Accordingly, defendants respectfully request that all witnesses be excluded from the courtroom until after the completion of their testimony.

Dated: August 21, 2012

BERTRAND, FOX & ELLIOT

By: /s/ Meaghan A. Snyder

Gregory M. Fox

Meaghan A. Snyder

Attorneys for Defendants

CITY OF SUNNYVALE, CHRIS SEARLE and
DARREN PANG